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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/824,704	04/15/2004	Steven R. Fischl	IS01549ESG	6756
20280	7590	06/04/2007		
MOTOROLA INC 600 NORTH US HIGHWAY 45 ROOM AS437 LIBERTYVILLE, IL 60048-5343			EXAMINER FANTU, YALKEW	
			ART UNIT 2838	PAPER NUMBER
			MAIL DATE 06/04/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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<b>Office Action Summary</b>	<b>Application No.</b> 10/824,704	<b>Applicant(s)</b> FISCHL, STEVEN R.	
	<b>Examiner</b> Yalkew Fantu	<b>Art Unit</b> 2838	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 February 2007.
- 2a) ☐ This action is **FINAL**.      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, and 3-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Misawa (US 6,434,337) in view of Goto (US 6,850,781).

With respect to claim 1, Misawa discloses a portable electronic device (Fig. 1), comprising: a display (Fig. 3, 9), and a power source (Fig. 3, 42 and 43); wherein the portable electronic device presents safety information (Col. 2, lines 1-5) pertaining to the power source (Fig. 3, 42 and 43) on the display (Fig. 3, 9), but does not disclose expressly that the display indicates safety information pertaining to power source when the device is turned from OFF to ON. It is well known that a device, such as this, could not display safety information when the device is turned OFF. But, it would have been obvious to one of ordinary skill in the art at that time of the invention was made to operate this compact electronic device only when it turns from OFF position to ON position in order to supply required power to the system, and issue a warning for safety mechanism, such as, when the battery voltage falls below a predetermined level (see col. 1, lines 10-15). Goto, in addition to that, discloses the information displayed can be any variable information containing, at least, one of a telephone number, character message, or power related safety information (fig. 2A and 2B).

Misawa and Goto are analogous art because they are from the same field of endeavor; warning device and information display method. The motivation for doing so would have been obvious in view of the teachings of Goto col. 2, lines 22-26 that by adding safety information and a method of display to the electronic apparatus in order to display inputted safety information that could be selected from the selection group as per the users will.

With respect to claim 10, Misawa discloses a power source (Fig. 3, 42 and 43) comprises a rechargeable battery (Fig. 3, 42).

Claims 3 - 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Misawa (US 6,434,337) and Goto (US 6,850,781) in view of Kabe (US 6,397,089).

With respect to claims 3, 4, 7 and 8, Misawa and Goto disclose the invention of claims 1 and 10, as set forth above, however does not disclose that the device is capable of detecting whether the power source has been decoupled since the device was turned off or the device is turned on

Kabe discloses that the device is capable of detecting (Fig. 1, 14) power source that has been decoupled since the device is turned off (Col. 3, lines 65-67) or when the device is turned on (col. 4, lines 5-8). When the inputted information comprises rejection (Col. 6, lines 20-23) the safety information, the device turns off (Col. 25-32).

Misawa, Goto and Kabe are analogous art because they are from the same field of endeavor namely portable electronic device.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art, to have added power detection unit in view of the teachings of Kabe in

order to detect power source that has been decoupled during the time the device is turned off.

The suggestion for doing so would have been obvious in view of the teachings of Kabe (col. 4, lines 29-40, col. 6, lines 20-33).

With respect to claims 5 and 6, Goto discloses a display of the safety information (Col. 1, 45-47) visible on the display until user inputs information into the device (Col. 2, lines 47-50), and inputted information selected (Col. 1, lines 49-50) from the group and it would have been obvious to a person of ordinary skill in the art, to have selected the safety information as an acceptance or a rejection of the safety information as per the user choice. Providing an information display method having a superior information notification function would have included these functionalities in view of the teachings of Goto (Col. 2, lines 22-25).

Regarding claim 9, Goto discloses when the power source (Fig. 1, 200) is identified, safety information of a first type (Col. 2, 28-30) is presented on the display, and safety information of a second type is presented on a display (Col. 2, lines 30-38).

### ***Response to Arguments***

Applicant's arguments filed on 02/14/2007 have been considered but are ineffective to overcome the combined references of Misawa, Goto and Kabe. (See the rejection above).

Applicant argues that " ... Misawa clearly state that ... warning unit would issue the warning in response to detection by the detection unit...indicating the user t turn off the power supply to DAP mode so that...power for a second application ... saved, not

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when the device is turned from OFF to ON" But, as it's been described above, it is well known that a device, such as this, could not display safety information when the device is turned OFF. But, it would have been obvious to one of ordinary skill in the art at that time of the invention was made to operate this compact electronic device only when it turns from OFF position to ON position in order to supply required power to the system, and issue a warning for safety mechanism pertaining to a power source.

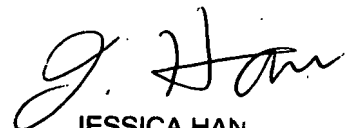
As for applicant argument of "... there is no motivation as such in Goto to combine... with Misawa ... " In fact, Goto discloses a display of the safety information (Col. 1, 45-47) visible on the display until user inputs information into the device (Col. 2, lines 47-50), and inputted information selected (Col. 1, lines 49-50) from the group and it would have been obvious to a person of ordinary skill in the art, to have selected the safety information as an acceptance or a rejection of the safety information as per the user choice. Providing an information display method having a superior information notification function would have included these functionalities in view of the teachings of Goto (Col. 2, lines 22-25). Therefore, this is a motivation found in Goto required to combine with Misawa to fully disclose the limitation as claimed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yalkew Fantu whose telephone number is 571-272-8928. The examiner can normally be reached on M - F: 7- 4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Karl D. Easthom can be reached on 571-272-1989. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
JESSICA HAN  
PRIMARY EXAMINER